REMARKS

Reconsideration of this application, as amended, is respectfully requested. Claim 10 has been amended to include "seaming together two lossy recordings of streaming content downloaded over one or more occasions from a content source into a seamed recording that includes fewer information gaps than either of the two lossy recordings", and is supported by page 19, line 23 through page 20 line 3 of the specification. Hence, no new matter has been added. Claim 13 has been amended into independent form, including all of the limitations of the base claim and intervening claims. Claims 14-15 depend from amended claim 13, and hence do not depend from any rejected base claims. It is respectfully requested that the claim objection of claims 13-15 be removed. In addition, claim 18 has been amended to correct a minor typographical error.

1.   **Claims 1, 2, 4, 19 and 20 are patentable over Harrison et al. (U.S. Patent No. 6,249,914), hereinafter "Harrison".**

Claim 1 is patentable over Harrison inasmuch as Harrison fails to teach or disclose a method which includes

> seaming together two or more data streams ... so as to provide one or more output data streams to the one or more content consumers that include fewer missing packets than any individual one of the data streams being received at the proxy from the content source (claim 1)

or a proxy configured to

> seam together two or more data streams ... so as to provide one or more output data streams to one or more content consumers that include fewer missing packets than any individual one of the data streams being received from the content source (claim 19).

The Office Action alleges that figure 8 and column 13, lines 3-35 of Harrison teach the underlined features, explaining "the proxy server **404** caches incoming data streams and filters the streams for content and classification to appropriately store the streams prior to rendering and delivery, thus the rendered final data stream would contain fewer lost packets than any individual stream transmitted to the consumer" (Office Action, page 3). While Harrison may teach caching, filtering, and classifying data streams, Harrison simply does not teach or suggest that "the rendered final data stream would contain fewer lost packets than any individual stream transmitted to the consumer", as stated in the Office Action. Rather, Harrison teaches classifying

associated data objects as cacheable or non-cacheable (Harrison, 13:10-11). Harrison also teaches the filtering of cacheable data objects according to whether the data object contains adult content, inappropriate subject matter, or content unsuitable to the viewer age group (Harrison, 13:20-22, 13:48-49). Because the caching, filtering, and classifying of Harrison, as well as the reference as a whole, do not teach or result in a seamed stream with "fewer missing packets than any individual one of the data streams being received", claims 1 and 19 are patentable over Harrison. Because claim 1 is patentable, claims 2 and 4 are patentable by virtue of their dependency on claim 1. Because claim 19 is patentable, claim 20 is patentable by virtue of its dependency on claim 19.

2.   Claim 3 is patentable over Harrison in view of Carmel et al. (U.S. Patent No. 6,389,473), hereinafter "Carmel".

Because claim 1 is patentable over Harrison, claim 3 is patentable over Harrison by virtue of its dependency on claim 1. Carmel fails to cure the deficiencies of Harrison, and hence claim 3 is patentable over the cited references whether considered separately or in combination with one another.

3.   Claims 10-12 and 16-18 are patentable over Harrison in view of Sartain et al. (U.S. Patent No. 6,169,747), hereinafter "Sartain".

Claim 10, as amended, is patentable over Harrison in view of Sartain, as the combination of references fails to teach or suggest "seaming together two lossy recordings of streaming content downloaded over one or more occasions from a content source into a seamed recording that includes fewer information gaps than either of the two lossy recordings", as recited in claim 10. Sartain is cited by the Office Action as teaching the "downloading of data in response to an indication that data loss has occurred during playbacks from the content source" (Office Action, page 4). Sartain teaches away from the present invention, as Sartain appears to combat a poor connection by retransmitting the lost data packets in order to receive a single non-lossy version of the data (Sartain, 1:25-28). Combining the non-lossy multistreams of Sartain with the teachings of Harrison may result in the seaming of a primary non-lossy data stream with an associated non-lossy data stream, but not the seaming of "two lossy recordings", as recited in claim 10. Hence, claim 10 is patentable over the cited combination of references. Because claim 10 is patentable, claims 11-12 and 16-18 are patentable by virtue of their dependency on claim 10.

For at least the foregoing reasons, the claims are patentable over the references cited in the Office Action. If there are any additional fees due in connection with this communication, including fees for any extensions of time, please charge Deposit Account No. 19-3140.

Respectfully submitted,
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